



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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SEP - 6, 2011

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

Slater Turner
District Ranger
Lookout Mountain District
Ochoco National Forest
3160 NE. Third Street
Prineville, Oregon 97754

Re: Comments on the Draft EIS for Marks Creek Allotment Management Plans
EPA Project Ref: 11-007-AFS.

Dear Mr. Turner:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the US Forest Service (FS) Draft Environmental Impact Statement (DEIS) for Marks Creek Allotment Management Plans on the Lookout Mountain Ranger District of the Ochoco National Forest in Crook County, Oregon. Based on our review and concerns about water quality, we have assigned a rating of EC-2 (Environmental Concerns Insufficient Information) to the Preferred Alternative (Alternative 2). For your reference, a copy of the rating system used in conducting our review is enclosed.

The DEIS evaluates potential environmental impacts of the proposal to reauthorize livestock grazing on three grazing allotments (Marks Creek, Ortman and Wildcat) in the Lookout Mountain Ranger District where there is continued demand for livestock forage. Stream shade and bank stability improvements are needed to move resources to desired future conditions. The project area would encompass 30,320 acres of public lands. Analysis of impacts considered three alternative actions, including a Preferred Alternative (Proposed Action and Alternative 2) and No Action (Alternative 1). The Preferred Alternative would reauthorize grazing on all three allotments and modify current management practices to include requirements for active livestock management, new upland water developments, and stocking reductions. Other alternatives would either eliminate grazing on the allotments (Alternative 1) or continue it without change, with the exception of reduced stocking rates for Marks Creek allotment (Alternative 3) to meet the Forest Plan standards.

We note with appreciation that the DEIS addresses many of the issues we raised during the project scoping period, including analysis of cumulative impacts and climate change effects. We also commend FS staff for considering public comments in the NEPA analysis for the project and modifying alternatives in response to public inputs. In addition, the DEIS includes a good description of resources within the project area, analysis of anticipated environmental impacts, mitigation measures to offset the impacts, and monitoring programs for riparian areas, invasive plants, and range conditions.

Our concerns with potential implementation of the Preferred Alternative as currently proposed relate to its potential to degrade water quality in streams that are already on the state of Oregon's most current 303(d) list due to exceedances of water quality standards primarily for temperature (p. 85), and missing or unclear information in the DEIS as explained below.

We recommend that the FS continue to coordinate with the Oregon Department of Environmental Quality (ODEQ) to ensure that the project would meet State water quality standards. As there are fish bearing streams on the allotments (p. 135), the FS should also continue to work with the Oregon Department of Fish and Wildlife (OFW) to define grazing practices that would be more protective of fishery resources within those water quality limited streams.

EPA appreciates the opportunity to review and comment on this DEIS. If you have questions about our comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov or contact Theogene Mbabaliye of my staff at (206) 553-6322 or by electronic mail at mbabaliye.theogene@epa.gov.

Sincerely,

A handwritten signature in blue ink, reading "Christine B. Reichgott". The signature is fluid and cursive, with the first name "Christine" and last name "Reichgott" clearly legible.

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

cc:
Oregon Operations Office
Oregon Department of Environmental Quality

EPA detailed comments on the draft EIS for Marks Creek Allotment Management Plans

Water Quality Impacts

The DEIS identifies streams that are on the 303(d) list and states that the pollutant of concern is primarily temperature (p. 85). In some streams, temperature exceeds the average of the 7-day maximum temperature standard for rearing of 64.4⁰ F or 18⁰ C (p. 92). Data in the DEIS also show that most riparian areas in the allotments are functioning at high risk (p. 37), which reflects poor water quality in associated creeks. Because of that, any riparian vegetation and stream form/function recovery under the proposed action would take up to 50 years (p. 137). Thank you for providing the Proper Functioning Condition (PFC) assessment results for riparian areas in the allotments and most recent water quality data for creeks in the area.

Since thermal modification is the primary cause of streams not supporting beneficial uses in the area, early actions to increase shade and cover to minimize thermal impacts to water quality within the creeks would be very useful for the project. EPA supports use of a grazing strategy that combines early season, rest-rotation grazing systems with fences and water developments. Active restoration projects and establishment of adequate buffer zones around affected streams would also help to improve water quality within impaired streams. We believe use of these techniques would improve riparian health and be consistent with water quality restoration plans such as the Total Maximum Daily Loads (TMDLs) for 303(d) listed water bodies in the project area. The grazing strategy would also reduce loading of fecal coliform and nutrients to waterways. Because these pollutants are usually associated with livestock grazing, we recommend the final EIS include available data on bacteria and nutrients for streams in the project area, indicate the extent to which such pollutants would impact water quality within the streams, and what would be done to manage livestock and reduce impacts to water quality due to bacteria and nutrients.

Although some riparian areas in the project area will be restored, we are concerned about sites where continued livestock grazing is likely to further degrade streams through increased entrenchment due to streambank scouring, erosion, poor drainage and loss of soil and riparian vegetation. Stream degradation results in the transformation of healthy stream channels into Rosgens' F or G channels that have the potential to contribute significant sediment bedloads to the system, thus slowing the rate of water quality and stream health recovery. Because there are such stream channels in the project area, we believe that additional protection of certain riparian areas may be warranted, such as on Marks Creek Allotment and other areas where F and G channels are near high quality habitat(s), drinking water sources, and other sensitive resources. In such cases, we recommend that grazing exclusions be considered to move existing resource conditions toward desired future conditions more rapidly in high value riparian areas. In addition, the proposed active restoration should target such areas to increase vegetation cover and improve thermal conditions of the stream channels.

For more information on addressing water quality impairments on National Forest System Lands, please consult the 2007 Memorandum Of Agreement (MOA) between EPA and FS (see http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/usfsepamoa_memo.cfm), and the 2002 MOA between FS and ODEQ (<http://www.deq.state.or.us/wq/nonpoint/docs/USFSDEQMOU.pdf>).

Recreation

On many national forest land systems, recreational and off-road vehicle use has been increasing. If there will be potential effects or conflicts between livestock grazing and recreational use of the analysis area, we recommend that the final EIS discuss potential conflicts between livestock and recreational users, plans to reduce the conflicts, and cumulative effects of off-road vehicle use, particularly near riparian areas and sensitive habitats.

Coordination with Tribes

The DEIS indicates that the planning team consulted with tribes potentially affected by the proposed action. However, information about issues tribes raised and how they would be resolved was not included in the EIS. We recommend the final EIS discuss the process and outcomes of consultations with the tribes.

Other Comments

- In the DEIS, there are frequent references made to information kept in the project file. However, there is no information on how the public that cannot travel to the FS Office where the project files are could access the referenced information. On pages 16, 17, 79, and 86, for example, the DEIS refers readers to resource reports for range, hydrology, aquatics, and soils in the project record, respectively. Please provide the referenced information to reviewers or indicate the means of accessing it.
- In the DEIS, there are references to published articles that have no publication date or are missing on the list of references. For example, see Harper and Marble, et al. and Platts and Nelson, et al. on page 74, and Clary, et al. on pages 75 and 76. Please review that information and update the EIS.
- On pages iv and 10, the DEIS states that Marks Creek Allotment consists of six pastures, but the list of pastures provided misses one pasture i.e., Pothole without an explanation. Please review that information and update the EIS accordingly.
- On page iii, the DEIS indicates that under the No Action Alternative, livestock grazing would be eliminated from 30,320 acres. On page iv, the DEIS also provides acreage for individual allotments, totaling 30,934 acres of public lands. On page 21 (Table 2), the total allotment acreage is given as 31,808 acres and on page 31 (Table 19) as 31,807 acres. Please review these numbers, correct inconsistencies, indicate whether there are additional owners of allotments in the project area other than the FS, and discuss how FS will coordinate with those other owners in managing the allotments.